

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

15CV7296

MICHAEL SMITH BAKER

310-15-00448

RECEIVED
CLERK OF COURT
2015 SEP 15 A 11:30

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

THE CITY OF NEW YORK et, al.,

DETECTIVE- anthony german #4066

DETECTIVE- FEDERICO IRIZARRY-#4233

BOTH OFFICERS FROM THE FIRST PRECINCT.
NEW YORK CITY POLICE DEPARTMENT.

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial: ☒ Yes ☐ No
(check one)IN THEIR INDIVIDUAL AND
OFFICIAL CAPACITY.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name **MICHAEL SMITH BAKER**
 ID # **310-15-00448**
 Current Institution **MANHATTAN DETENTION COMPLEX**
 Address **125 WHITE STREET.**
NEW YORK 10013

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name **THE CITY OF NEW YORK, ET, AL.** Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 2 Name DETECTIVE-FEDERICO IRIZARRY Shield # 4233
 Where Currently Employed NYC POLICE DEPT.
 Address ~~KXXXXXBERAXNENX~~ FIRST PRECINCT

Defendant No. 3 Name DETECTIVE- ANTHONY GERMAN Shield # 4066
 Where Currently Employed NYC POLICE DEPT.
 Address FIRST PRECINCT

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?
NONE

B. Where in the institution did the events giving rise to your claim(s) occur?
N/A

C. What date and approximate time did the events giving rise to your claim(s) occur?
MARCH 26, 2015 at 2:00am FIRST PRECINCT.

STATEMENT OF FACTS

D. Facts: NATURE OF CLAIM: THE NATURE OF THE CLAIM IS FOR

What happened to you?

EMOTIONAL AND PSYCHOLOGICAL INJURIES AND MONETARY DAMAGES SUSTAINED BY CLAIMANT "MICHAEL SMITH BAKER," AS WELL AS, CIVIL RIGHTS VIOLATIONS, INCLUDING THOSE UNDER THE FIRST, FOURTH, FIFTH, SIXTH, EIGHTH, AND FOURTEENTH AMENDMENTS OF THE UNITED STATE CONSTITUTION, AS WELL AS, THE RIGHTS, PRIVILEGES AND IMMUNITIES SECURED UNDER 42 W.S.C. SECTION 1983, THE EQUAL PROTECTION CLAUSE OF THE U.S. CONSTITUTION AND THE CONSTITUTION OF THE STATE OF NEW YORK ALONG WITH ALL OTHER APPLICABLE LAWS, STATUTES AND REGULATION

Who did what?

CAUSE(S) OF ACTION.

Was anyone else involved?

THE ABOVE DAMAGES STEM FROM THE "NEGLIGENT, CARELESS, REKLESS, AND INTENTIONAL MISCONDUCT OF THE CITY OF NEW YORK, ITS AGENTS, SERVANTS, EMPLOYEES AND THOSE ACTING UNDER ITS DIRECTION, BEHEST, PERMISSION AND CONTROL IN THE PROCESS OF PROVIDING POLICE SERVICES MORE SPECIFICALLY POLICE OFFICERS ANTHONY GERMAN #4066 AND ALSO POLICE OFFICER: FEDERICO IRIZARRY #4233 OF THE FIRST PRECINCT IN NEW YORK COUNTY, INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES, AS NEW YORK CITY POLICE OFFICERS.

Who else saw what happened?

THE CLAIMS OCCURRED ON OR ABOUT MARCH 26-27 2015 AT THE FIRST PRECINCT IN NEW YORK COUNTY, STATE OF NEW YORK. WHEN THE CLAIMANT LAWFULLY ENTERED THE PREMISES AS REQUESTED FOR AN INTERVIEW. WHILE QUESTIONING THE CLAIMANT, THE POLICE OFFICER: NAMED HEREIN AND OTHERS NOT NAMED BEGAN TO PHYSICALLY ASSAULT THE CLAIMANT ABOUT ISSUES HE HAD NO KNOWLEDGE ABOUT. THE CLAIMANT AFTER BEING ASSAULTED PHYSICALLY SEVERAL TIMES REQUESTED A LAWYER

III. Injuries: SEE: ATTACHED STATEMENT OF FACTS CONTINUED.

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

SEE ATTACHED.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ____ No ____

AND WAS TOLD THAT ONE WOULD BE PROVIDED WHEN THE CLAIMANT COOPERATED WITH WITH THEM WITH PROMISES MADE OF "NO PROSECUTION" ON ANY CHARGES. CLAIMANT STATES THAT HE WAS FALSELY ARRESTED, UNLAWFULLY SEARCHED AND ALSO UNLAWFULLY DETAINED. THEREAFTER, HE HAS CONTINUED TO BE MALICIOUSLY PROSECUTED DESPITE EVIDENCE OF HIS INNOCENCE. CLAIMANT HAS BEEN FALSELY ACCUSED OF A CRIME HE DID NOT COMMIT. IN FACT THE CLAIMANT, MICHAEL SMITH BAKER, WAS COOPERATING WITH THE POLICE OFFICERS REQUEST TO COME TO THIS PRECINCT SIMPLY FOR QUESTIONING. AT NO TIME DID THE CLAIMANT MICHAEL SMITH BAKER, RESIST ARREST OR DISOBEY THE ARRESTING OFFICERS OR ANY OTHERS AND HE WAS NEVER CHARGED WITH ANY SUCH CRIMES.

THE CLAIMANT, MICHAEL SMITH BAKER, HAS BEEN INCARCERATED FOR FIVE(5) MONTHS AND CONTINUES TO REMAIN THERE AWAITING HIS TRIAL DESPITE EVIDENCE OF HIS COMPLETE INNOCENCE.

CLAIMANT MICHAEL SMITH BAKER, WAS CLEARLY DENIED HIS DUE PROCESS RIGHTS. SAID FALSE ARREST, UNJUSTIFIED AND UNLAWFUL ARREST, UNLAWFUL IMPRISONMENT, AND MALICIOUS PROSECUTION VIOLATED AND CONTINUES TO VIOLATE THE CIVIL RIGHTS OF CLAIMANT, MICHAEL SMITH BAKER.

SAID OCCURRENCES AND INJURIES SUSTAINED BY CLAIMANT MICHAEL SMITH BAKER, WERE DUE TO THE MISCONDUCT OF THE CITY OF NEW YORK, ITS AGENTS, SERVANTS, AND/OR EMPLOYEES IN THE COURSE OF THEIR DUTIES AS POLICE OFFICERS; IN FAILING ADEQUATELY SUPERVISE AND INSTRUCT SAID ARRESTING OFFICERS AS TO THE PROPER PRACTICES AND PROCEDURES IN THE DISCHARGE OF THEIR DUTIES; IN VIOLATING THE CLAIMANT, MICHAEL SMITH BAKER CIVIL RIGHTS; IN HAVING NEGLIGENT HIRING PRACTICE IN FAILING TO PROPERLY INVESTIGATE EMPLOYEES AND POTENTIAL EMPLOYEES; AND THE CITY OF NEW YORK, ITS AGENTS, SERVANTS, AND/OR EMPLOYEES WERE OTHERWISE CARELESS, RECKLESS, AND NEGLIGENT. UPON INFORMATION AND BELIEF, THE CITY OF NEW YORK IS IDENTIFIED AS POLICE OFFICERS ANTHONY GERMAN #4066 AND FEDERICO IRIZARRY #4233, individually and in their official capacities as NEW YORK CITY POLICE DETECTIVES.

CLAIMANT MICHAEL SMITH BAKER, SUSTAINED SEVERE AND PERMENANT EMOTIONAL AND PSYCHOLOGICAL INJURIES AS WELL AS, MONETARY DAMAGES, THE FULL EXTENT OF WHICH IS CLAIMED FOR FIVE MILLION DOLLARS (\$5,000,000.00) INCLUDING BUT NOT LIMITED TOO, UPON INFORMATION AND BELIEF, ANIETY, EMOTIONL DISTRESS AND UPSET, FLASHBACKS AND MENTAL ANGUISH, DURING CLAIMANT'S TIME IN CUSTODY, THE CLAIMANT MICHAEL SMITH BAKER, WAS REPEATLY CAUSED TO FEEL VERY HELPLESS, DISGRACED, INTIMIDATED, HARRASSED, SHAMED AND RIDICULED.

HE WAS MALNOURISHED AND FORCED INTO UNSANITARY CONDITIONS. ADDITIONALLY THE CLAIMANT MICHAEL SMITH BAKER, WAS CAUSED TO SUFFER BATTERY, ASSAULT, FALSE AND ILLEGAL ARREST, MALICIOUS PROSECUTION AND DEFAMATION OF CHARACTER ATTORNEY'S FEES.

SAID CLAIMS IS FOR PERSONAL INJURIES INCLUDING THE LOSS OF QUALITY AND/OR ENJOYMENT OF LIFE, AND ALL OTHER DAMAGES TO WHICH THE CLAIMANT MICHAEL SMIT BAKER, IS ENTITLED BY CASE LAW ANDS STATUTE.

RESPECTFULLY SUBMITTED.

MR. MICHAEL SMITH BAKER.
MANHATTAN DETENTION COMPLEX
125 WHITE STREET. N.Y. 10013

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

NONE

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes _____ No XX Do Not Know _____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes _____ No XX Do Not Know _____

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes _____ No X

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes _____ No ✓

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve? N/A

2. What was the result, if any? _____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any officials of your claim, state who you informed, _____

N/A

N/A

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). _____

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On these claims

Yes No Y

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff N/A

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes _____ No _____

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff N/A

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 22 day of August, 2015

Signature of Plaintiff

Michael S. Baker

Inmate Number

Institution Address

Manhattan Detention
Center 125 White St.
New York 10013

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

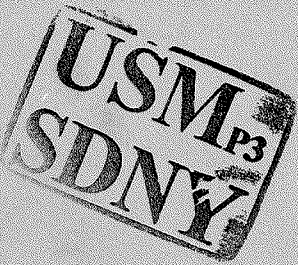
I declare under penalty of perjury that on this 22 day of August, 2015 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Michael S. Baker

W. Smith-Baker
310-15-00448
Manhattan Detention
Complex
125 White St
NY, NY 10013

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SDNY PRO SE OFFICE
2015 SEP 15 A 11:30



Pro SE
9/15/15 CF

To: United States District Court
Southern District of New York
U.S. Courthouse
500 Pearl St
New York, NY 10007-1312
(1st District)

